REMARKS

This is a full and timely response to the outstanding final Office Action mailed May 5, 2004. Upon entry of the amendments in this response, claims 16 – 32 are pending. In particular, Applicants have added claims 16 – 32 and have canceled claims 1-15 without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Objection to the Amendment of the Claims

The Office Action alleges that the amendment filed on February 9, 2004 introduces new matter into the disclosure. Specifically, the Office Action alleges that the Applicant's amendment of claims 1, 7, 14, and 15 to state that the reservation processing unit is located at a retail location is not supported in the original disclosure.

Without acquiescing to this argument, Applicants submit that this rejection is moot. As an initial matter, claims 1, 7, 14, and 15 have been cancelled. Furthermore, new claims 16-32 do not recite that the reservation processing unit is located at a retail location.

II. The Rejection of Claims 1-15 are under 35 U.S.C. §103(a) is Moot

The Office Action rejects claims 1 - 15 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,948,040 to DeLorme, *et al.* ("*DeLorme*") in view of U.S. Patent No. 6,041,305 to Sakurai ("*Sakurai*"). In that claims 1-15 have been cancelled, Applicants submit that this rejection is moot.

III. Claims 16-31 are Patentable over *DeLorme* in View of *Sakurai*

In that claims 1-15 have been canceled, the rejection of these claims is moot. However, Applicants preemptively submit that neither *DeLorme*, nor *Sakurai*, separately or in combination, disclose, teach, or suggest each and every feature of new claims 16-32.

Independent Claim 16

Claim 16 requires a remote access unit having a low-power transmitter, ***"the low-power transmitter configured to transmit at a level of power such that the receiving means is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the reservation processing unit."*** Applicants submit that neither *DeLorme*, nor *Sakurai* disclose, teach, or suggest a transmitter having this feature.

Unlike the transmitter of claim 16, *DeLorme* discloses, at most, a system which "permits mobile users 901, at remote locations (for example, en route in vehicles or on foot), two-way access by wireless communications 903 to engage the novel travel reservation information planning system of one or more TRIPS 904 communications facilities or service bureaus." (*Emphasis added*, Col. 71, lines 62-67).

Furthermore, the *DeLorme* system includes "an attached or built-in global positioning satellite position sensor, or equivalent user location means." (Col. 75, lines 46-48). "This standard GPS sensor 908 output is monitored by the processor and memory capabilities 912 within the WCU 907," (col. 74, lines 57-59) and that "remote TRIPS user's WCUs 907 are programmed to transmit current user position (e.g., latitude and longitude), travel direction (e.g., compass direction or vector description), speed (e.g., miles, kilometers per hour), plus current

date/time (e.g. Jan. 1, 1997, 0630.012457 hours) via 903 communication channels to one or more TRIPS providers 904." (Col. 74, lines 59-65).

Accordingly, the system of *DeLorme* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the TRIPS providers without regard of the proximity of the TRIPS system. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Similarly, unlike claim 16, *Sakurai* discloses that "the reservation unit 12 may be provided with a navigation unit 19 including position detector means using a position detection unit 19a, such as the GPS system, and an autonomous navigation system and hybrid system for detecting the current position of a mobile body 20 such as a vehicle and position disclosure means for disclosing the position of the mobile body 20 detected through the position detector means by a monitor 19b and the like." (Col. 10, lines 56-63).

Accordingly, *Sakurai* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the reservation unit without regard of the proximity of the reservation unit. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Furthermore, Applicants submit that substituting a low-power transmitter would not be obvious in light of the teachings of the *DeLorme* and *Sakurai* references. Specifically, neither the system of *DeLorme,* nor the system of *Sakurai*, would function with the claimed low-power transmitter. Rather, both of the systems are apparently designed to periodically update a reservation system with information from great distances (*e.g.* a continuous location of the mobile body using GPS).

In fact, the teachings of *DeLorme* and *Sakurai* solve a different problem than the invention of claim 16. For example, claim 16 is directed to a system which transmits "at a level of power such that the receiving means is cable of receiving the customer identification information only when the low-power transmitter is within close proximity of the reservation processing unit." Accordingly, this system solves the problem of notifying an establishment of the arrival of a customer only when the transmitter is within close proximity of the establishment.

Often, a user with reservations arrives at an establishment only to wait additional time for the establishment to make final preparations. Additionally, upon arrival, the user may find a large crowd at the front desk of the establishment. In this case, rather than waiting in line to notify the establishment of the user's arrival, the claimed system may be used to provide the proper arrival notification. Because of the "low-power" aspect of the transmitter, the establishment may successfully rely on the notification as indication that the user is near or actually on-premises, and not an extended distance away.

Unlike claim 16, both *DeLorme* and *Sakurai* apparently are directed to tracking and estimating the arrival of the customer, which requires operation of the transmitter well outside of the proximity of the establishment. Accordingly, unless a tracking system (*e.g.* GPS, *etc.*) is employed under additional cost and complexity, the establishment could not reliably know the general location of the user. Rather, using the systems of *DeLorme* and *Sakurai*, the user could be a great distance away and still indicate arrival, which defeats the purpose of the system of claim 16.

Accordingly, one potential advantage of the claimed system is less complexity and cost. Additionally, because the transmitter is manually operated, the user may delay the indication of arrival at the establishment. For example, if the user is waiting for additional parties to arrive at

an establishment such as a restaurant, the user may delay depressing the manually-operated transmit button of the remote access unit until all the parties have arrived.

For at least the reason that neither *DeLorme* nor *Sakurai* disclose, teach, or suggest a remote access unit having a low-power transmitter, "***the low-power transmitter configured to transmit at a level of power such that the receiving means is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the reservation processing unit***" as recited in claim 16, the claim should be allowed.

Independent Claim 24

Claim 24 is directed to a method for processing reservations including the step of receiving a transmitted low-power electromagnetic signal, "***the power of the low-power electromagnetic signal adjusted such that the receiver is capable of receiving the customer identification information only when the remote access unit is within close proximity of the receiver.***" Applicants submit that neither *DeLorme*, nor *Sakurai* disclose, teach, or suggest this step.

Unlike the transmitter of claim 24, *DeLorme* discloses, at most, a system which "permits mobile users 901, at remote locations (for example, en route in vehicles or on foot), two-way access by wireless communications 903 to engage the novel travel reservation information planning system of one or more TRIPS 904 communications facilities or service bureaus." (*Emphasis added*, Col. 71, lines 62-67).

Furthermore, the *DeLorme* system includes "an attached or built-in global positioning satellite position sensor, or equivalent user location means." (Col. 75, lines 46-48). "This standard GPS sensor 908 output is monitored by the processor and memory capabilities 912

within the WCU 907," (col. 74, lines 57-59) and that "remote TRIPS user's WCUs 907 are programmed to transmit current user position (e.g., latitude and longitude), travel direction (e.g., compass direction or vector description), speed (e.g., miles, kilometers per hour), plus current date/time (e.g. Jan. 1, 1997, 0630.012457 hours) via 903 communication channels to one or more TRIPS providers 904." (Col. 74, lines 59-65).

Accordingly, the system of *DeLorme* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the TRIPS providers without regard of the proximity of the TRIPS system. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Similarly, unlike claim 24, *Sakurai* discloses that "the reservation unit 12 may be provided with a navigation unit 19 including position detector means using a position detection unit 19a, such as the GPS system, and an autonomous navigation system and hybrid system for detecting the current position of a mobile body 20 such as a vehicle and position disclosure means for disclosing the position of the mobile body 20 detected through the position detector means by a monitor 19b and the like." (Col. 10, lines 56-63).

Accordingly, *Sakurai* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the reservation unit without regard of the proximity of the reservation unit. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Furthermore, Applicants submit that substituting a low-power transmitter would not be obvious in light of the teachings of the *DeLorme* and *Sakurai* references. Specifically, neither the system of *DeLorme,* nor the system of *Sakurai*, would function with the claimed low-power transmitter. Rather, both of the systems are apparently designed to periodically update a

reservation system with information from great distances (*e.g.* a continuous location of the mobile body using GPS).

In fact, the teachings of *DeLorme* and *Sakurai* solve a different problem than the invention of claim 24. For example, claim 24 is directed to a method for processing reservations including the step of receiving a transmitted low-power electromagnetic signal, "the power of the low-power electromagnetic signal adjusted such that the receiver is capable of receiving the customer identification information only when the remote access unit is within close proximity of the receiver." Accordingly, this method solves the problem of notifying an establishment of the arrival of a customer only when the transmitter is within close proximity of the establishment.

Often, a user with reservations arrives at an establishment only to wait additional time for the establishment to make final preparations. Additionally, upon arrival, the user may find a large crowd at the front desk of the establishment. In this case, rather than waiting in line to notify the establishment of the user's arrival, the claimed system may be used to provide the proper arrival notification. Because of the "low-power" aspect of the transmitter, the establishment may successfully rely on the notification as indication that the user is near or actually on-premises, and not an extended distance away.

Unlike claim 24, both *DeLorme* and *Sakurai* apparently are directed to tracking and estimating the arrival of the customer, which requires operation of the transmitter well outside of the proximity of the establishment. Accordingly, unless a tracking system (*e.g.* GPS, *etc.*) is employed under additional cost and complexity, the establishment could not reliably know the general location of the user. Rather, using the systems of *DeLorme* and *Sakurai*, the user could be a great distance away and still indicate arrival, which defeats the purpose of the system of claim 24.

Accordingly, one potential advantage of the claimed system is less complexity and cost. Additionally, because the transmitter is manually operated, the user may delay the indication of arrival at the establishment. For example, if the user is waiting for additional parties to arrive at an establishment such as a restaurant, the user may delay depressing the manually-operated transmit button of the remote access unit until all the parties have arrived.

For at least the reason that neither *DeLorme* nor *Sakurai* disclose, teach, or suggest the step of receiving a transmitted low-power electromagnetic signal "***the power of the low-power electromagnetic signal adjusted such that the receiver is capable of receiving the customer identification information only when the remote access unit is within close proximity of the receiver***" as recited in claim 24, the claim should be allowed.

Independent Claim 31

Claim 31 requires a remote access unit having a low-power transmitter, "***the low-power transmitter configured to transmit at a level of power such that the receiving means is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the reservation processing unit.***" Applicants submit that neither *DeLorme*, nor *Sakurai* disclose, teach, or suggest a transmitter having this feature.

Unlike the transmitter of claim 31, *DeLorme* discloses, at most, a system which "permits mobile users 901, at remote locations (for example, en route in vehicles or on foot), two-way access by wireless communications 903 to engage the novel travel reservation information planning system of one or more TRIPS 904 communications facilities or service bureaus." (*Emphasis added*, Col. 71, lines 62-67).

Furthermore, the *DeLorme* system includes "an attached or built-in global positioning satellite position sensor, or equivalent user location means." (Col. 75, lines 46-48). "This standard GPS sensor 908 output is monitored by the processor and memory capabilities 912 within the WCU 907," (col. 74, lines 57-59) and that "remote TRIPS user's WCUs 907 are programmed to transmit current user position (e.g., latitude and longitude), travel direction (e.g., compass direction or vector description), speed (e.g., miles, kilometers per hour), plus current date/time (e.g. Jan. 1, 1997, 0630.012457 hours) via 903 communication channels to one or more TRIPS providers 904." (Col. 74, lines 59-65).

Accordingly, the system of *DeLorme* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the TRIPS providers without regard of the proximity of the TRIPS system. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Similarly, unlike claim 31, *Sakurai* discloses that "the reservation unit 12 may be provided with a navigation unit 19 including position detector means using a position detection unit 19a, such as the GPS system, and an autonomous navigation system and hybrid system for detecting the current position of a mobile body 20 such as a vehicle and position disclosure means for disclosing the position of the mobile body 20 detected through the position detector means by a monitor 19b and the like." (Col. 10, lines 56-63).

Accordingly, *Sakurai* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the reservation unit without regard of the proximity of the reservation unit. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Furthermore, Applicants submit that substituting a low-power transmitter would not be obvious in light of the teachings of the *DeLorme* and *Sakurai* references. Specifically, neither the system of *DeLorme,* nor the system of *Sakurai*, would function with the claimed low-power transmitter. Rather, both of the systems are apparently designed to periodically update a reservation system with information from great distances (*e.g.* a continuous location of the mobile body using GPS).

In fact, the teachings of *DeLorme* and *Sakurai* solve a different problem than the invention of claim 31. For example, claim 31 is directed to a system which includes a remote access unit having a low-power transmitter, "the low-power transmitter configured to transmit at a level of power such that the receiving means is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the reservation processing unit." Accordingly, this system solves the problem of notifying an establishment of the arrival of a customer only when the transmitter is within close proximity of the establishment.

Often, a user with reservations arrives at an establishment only to wait additional time for the establishment to make final preparations. Additionally, upon arrival, the user may find a large crowd at the front desk of the establishment. In this case, rather than waiting in line to notify the establishment of the user's arrival, the claimed system may be used to provide the proper arrival notification. Because of the "low-power" aspect of the transmitter, the establishment may successfully rely on the notification as indication that the user is near or actually on-premises, and not an extended distance away.

Unlike claim 31, both *DeLorme* and *Sakurai* apparently are directed to tracking and estimating the arrival of the customer, which requires operation of the transmitter well outside of the proximity of the establishment. Accordingly, unless a tracking system (*e.g.* GPS, *etc.*) is

employed under additional cost and complexity, the establishment could not reliably know the general location of the user. Rather, using the systems of *DeLorme* and *Sakurai*, the user could be a great distance away and still indicate arrival, which defeats the purpose of the system of claim 31.

Accordingly, one potential advantage of the claimed system is less complexity and cost. Additionally, because the transmitter is manually operated, the user may delay the indication of arrival at the establishment. For example, if the user is waiting for additional parties to arrive at an establishment such as a restaurant, the user may delay depressing the manually-operated transmit button of the remote access unit until all the parties have arrived.

For at least the reason that neither *DeLorme* nor *Sakurai* disclose, teach, or suggest a remote access unit having a low-power transmitter, "***the low-power transmitter configured to transmit at a level of power such that the receiving means is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the reservation processing unit***" as recited in claim 31, the claim should be allowed.

Independent Claim 32

Claim 32 is directed to a computer readable storage medium having program code for controlling the operation of a system, the system including a remote access unit having a low-power transmitter, "***the power of the low-power transmitter adjusted such that the reservation processing unit is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the receiving means***." Applicants submit that neither *DeLorme*, nor *Sakurai* disclose, teach, or suggest a transmitter having this feature.

Unlike the transmitter of claim 32, *DeLorme* discloses, at most, a system which "permits mobile users 901, at remote locations (for example, en route in vehicles or on foot), two-way access by wireless communications 903 to engage the novel travel reservation information planning system of one or more TRIPS 904 communications facilities or service bureaus." (*Emphasis added*, Col. 71, lines 62-67).

Furthermore, the *DeLorme* system includes "an attached or built-in global positioning satellite position sensor, or equivalent user location means." (Col. 75, lines 46-48). "This standard GPS sensor 908 output is monitored by the processor and memory capabilities 912 within the WCU 907," (col. 74, lines 57-59) and that "remote TRIPS user's WCUs 907 are programmed to transmit current user position (e.g., latitude and longitude), travel direction (e.g., compass direction or vector description), speed (e.g., miles, kilometers per hour), plus current date/time (e.g. Jan. 1, 1997, 0630.012457 hours) via 903 communication channels to one or more TRIPS providers 904." (Col. 74, lines 59-65).

Accordingly, the system of *DeLorme* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the TRIPS providers without regard of the proximity of the TRIPS system. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Similarly, unlike claim 31, *Sakurai* discloses that "the reservation unit 12 may be provided with a navigation unit 19 including position detector means using a position detection unit 19a, such as the GPS system, and an autonomous navigation system and hybrid system for detecting the current position of a mobile body 20 such as a vehicle and position disclosure means for disclosing the position of the mobile body 20 detected through the position detector means by a monitor 19b and the like." (Col. 10, lines 56-63).

Accordingly, *Sakurai* apparently discloses a system using a high-power transmitter which must be able to transmit the location of the user to the reservation unit without regard of the proximity of the reservation unit. Accordingly, the signals are apparently not low-power, but rather must be capable of transmitting over extended distances.

Furthermore, Applicants submit that substituting a low-power transmitter would not be obvious in light of the teachings of the *DeLorme* and *Sakurai* references. Specifically, neither the system of *DeLorme,* nor the system of *Sakurai*, would function with the claimed low-power transmitter. Rather, both of the systems are apparently designed to periodically update a reservation system with information from great distances (*e.g.* a continuous location of the mobile body using GPS).

In fact, the teachings of *DeLorme* and *Sakurai* solve a different problem than the invention of claim 32. For example, claim 32 is directed to a computer readable storage medium having program code for controlling the operation of a system. The system includes a remote access unit having a low-power transmitter, "the power of the low-power transmitter adjusted such that the reservation processing unit is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the receiving means." Accordingly, this system solves the problem of notifying an establishment of the arrival of a customer only when the transmitter is within close proximity of the establishment.

Often, a user with reservations arrives at an establishment only to wait additional time for the establishment to make final preparations. Additionally, upon arrival, the user may find a large crowd at the front desk of the establishment. In this case, rather than waiting in line to notify the establishment of the user's arrival, the claimed system may be used to provide the proper arrival notification. Because of the "low-power" aspect of the transmitter, the

establishment may successfully rely on the notification as indication that the user is near or actually on-premises, and not an extended distance away.

Unlike claim 32, both *DeLorme* and *Sakurai* apparently are directed to tracking and estimating the arrival of the customer, which requires operation of the transmitter well outside of the proximity of the establishment. Accordingly, unless a tracking system (*e.g.* GPS, *etc.*) is employed under additional cost and complexity, the establishment could not reliably know the general location of the user. Rather, using the systems of *DeLorme* and *Sakurai*, the user could be a great distance away and still indicate arrival, which defeats the purpose of the system of claim 31.

Accordingly, one potential advantage of the claimed system is less complexity and cost. Additionally, because the transmitter is manually operated, the user may delay the indication of arrival at the establishment. For example, if the user is waiting for additional parties to arrive at an establishment such as a restaurant, the user may delay depressing the manually-operated transmit button of the remote access unit until all the parties have arrived.

For at least the reason that neither *DeLorme* nor *Sakurai* disclose, teach, or suggest a remote access unit having a low-power transmitter, "***the power of the low-power transmitter adjusted such that the reservation processing unit is capable of receiving the customer identification information only when the low-power transmitter is within close proximity of the receiving means***." as recited in claim 32, the claim should be allowed.

Dependent Claims 17-23 and 25-30

Applicants submit that dependent claims 17-23 and 25-30 are patentable for at least the reason that they depend from their respective base claim, which Applicants believe to be allowable.

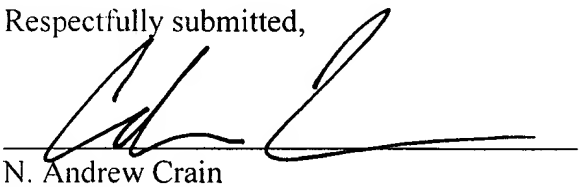
(intentionally left blank)

CONCLUSION

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



N. Andrew Crain
Registration No. 45,442

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500